



April 3, 2009

ENGROSSED

HOUSE BILL No. 1703

DIGEST OF HB 1703 (Updated April 1, 2009 1:58 pm - DI 106)

Citations Affected: IC 33-35; IC 33-36.

Synopsis: Interlocal agreements concerning courts. Allows a city or town that has not established a city or town court or an ordinance violations bureau to enter into an interlocal agreement with a city, town, or other municipal corporation that has established: (1) a city or town court; or (2) an ordinance violations bureau; to hear and dispose of ordinance violations that would otherwise come under the jurisdiction of a city or town court or an ordinance violations bureau established by the city or town.

Effective: July 1, 2009.

Saunders, Pflum

(SENATE SPONSORS — BRAY, GARD, LANANE)

January 22, 2009, read first time and referred to Committee on Courts and Criminal Code.
February 16, 2009, reported — Do Pass.
February 19, 2009, read second time, ordered engrossed. Engrossed.
February 20, 2009, read third time, passed. Yeas 89, nays 0.

SENATE ACTION

February 23, 2009, read first time and referred to Committee on Judiciary.
April 2, 2009, amended, reported favorably — Do Pass.

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EH 1703—LS 6324/DI 69+



April 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1703

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-35-1-6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 6. A city or town that has not established a court**
4 **under this chapter may enter into an interlocal agreement under**
5 **IC 36-1-7 with a city or town that:**

6 (1) **has established a court under this chapter; and**
7 (2) **is located in the same judicial circuit as the city or town**
8 **that has not established a court;**
9 **to hear and dispose of ordinance violations that would otherwise**
10 **come under the jurisdiction of a court established by the city or**
11 **town under this chapter.**

12 SECTION 2. IC 33-35-2-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3. A city court has the**
14 **following jurisdiction over crimes, infractions, and ordinance**
15 **violations:**

16 (1) **Jurisdiction of all violations of the ordinances of the city.**
17 (2) **Jurisdiction of all misdemeanors and all infractions.**

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1 **(3) If the city that established the city court has entered into**
 2 **an interlocal agreement described in IC 33-35-1-6 with**
 3 **another city or a town, jurisdiction of all other ordinance**
 4 **violations described in the interlocal agreement.**

5 SECTION 3. IC 33-35-2-8 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) A town court has
 7 exclusive jurisdiction of all violations of the ordinances of the town.

8 (b) A town court also has jurisdiction of all misdemeanors and all
 9 infractions.

10 **(c) If the town that established the town court has entered into**
 11 **an interlocal agreement described in IC 33-35-1-6 with a city or**
 12 **another town, the town court has jurisdiction of all other ordinance**
 13 **violations described in the interlocal agreement.**

14 SECTION 4. IC 33-36-2-4 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2009]: Sec. 4. A city or town that has not established a court
 17 under IC 33-35-1 or an ordinance violations bureau under this
 18 chapter may enter into an interlocal agreement under IC 36-1-7
 19 with a municipal corporation that:

20 (1) has established an ordinance violations bureau under this
 21 chapter; and

22 (2) is located in the same judicial circuit as the city or town
 23 that has not established a court or an ordinance violations
 24 bureau;

25 to hear and dispose of ordinance violations that would otherwise
 26 come under the jurisdiction of an ordinance violations bureau
 27 established by the city or town under this chapter.

28 SECTION 5. IC 33-36-3-7 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) **Subject to**
 30 **subsection (b)**, all sums collected by the violations clerk as civil
 31 penalties for ordinance violations shall be accounted for and paid to the
 32 municipal corporation as provided by law.

33 **(b) If a city or town that has not established a court under**
 34 **IC 33-35-1 or an ordinance violations bureau under IC 33-36-2 has**
 35 **entered into an interlocal agreement described in IC 33-36-2-4 with**
 36 **a municipal corporation, the sums collected by the violations clerk**
 37 **that involve the city or town that has not established a court or an**
 38 **ordinance violations bureau shall be accounted for and paid as**
 39 **provided in the interlocal agreement.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1703, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PIERCE, Chair

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1703, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 9, delete "cases" and insert "**ordinance violations**".

Page 2, line 3, delete "cases" and insert "**ordinance violations**".

Page 2, line 12, delete "cases" and insert "**ordinance violations**".

and when so amended that said bill do pass.

(Reference is to HB 1703 as printed February 17, 2009.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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